



Dedicated to Providing Quality
Water & Wastewater Service

OFFICERS

President

Joseph M. Bowman
Director, Division 4

Vice President

Lee Renger
Director, Division 3

Secretary

Jeffery A. Smith
Director, Division 5

Treasurer

Charles Caspary
Director, Division 1

Glen Peterson

Director, Division 2
MWD Representative

John R. Mundy

General Manager

Wayne K. Lemieux

Counsel

HEADQUARTERS

4232 Las Virgenes Road
Calabasas, CA 91302
(818) 251-2100
Fax (818) 251-2109

WESTLAKE

FILTRATION PLANT
(818) 251-2370
Fax (818) 251-2379

TAPIA WATER

RECLAMATION FACILITY
(818) 251-2300
Fax (818) 251-2309

RANCHO LAS VIRGENES COMPOSTING FACILITY

(818) 251-2340
Fax (818) 251-2349

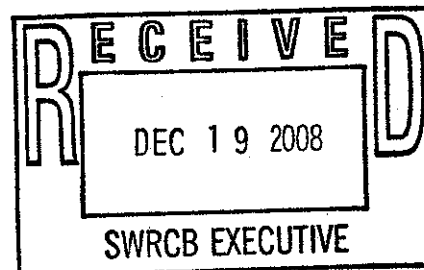
www.lvmwd.com

MEMBER AGENCY OF THE
METROPOLITAN WATER
DISTRICT
SOUTHERN CALIFORNIA

Public Comment
Recycled Water Policy
Deadline: 12/22/08 by 12 noon

December 19, 2008

Ms. Jeanine Townsend
Clerk to the Board, Executive Office
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812-0100



VIA EMAIL AND HARD COPY

SUBJECT: Comment Letter – Proposed Recycled Water Policy

Dear Chair Doduc and Members of the Board:

Las Virgenes Municipal Water District and Triunfo Sanitation District, a Joint Powers Authority (Authority), appreciates the opportunity to provide comments on the draft Recycled Water Policy. The Authority agrees with the intended goals and purpose of the policy, specifically promoting the expanded use of recycled water in the State, creating additional local non-potable supplies while reducing the amount of imported water along with the related impact on the climate; and providing consistency in setting regulations.

For background, the Authority provides wastewater treatment, bio-solids treatment and recycled water in the northwestern portion of Los Angeles County and the southeastern portion of Ventura County. The service area generally consists of the Malibu Creek Watershed and small portions of the Los Angeles River Watershed. Las Virgenes MWD also provides potable water service to its entire service area and Triunfo Sanitation District provides potable water service to the Oak Park portion of their service area. In both cases 100% of the potable water is imported via the State Water Project and then purchased from the Metropolitan Water District of Southern California. The agencies comprising the Authority have a long history of providing recycled water in their respective service areas starting in the 1970s. In the case of Las Virgenes MWD, 20% of its current annual water demand is met with recycled water. Today the Authority has an extensive investment in facilities that span two counties, making beneficial use of a resource that would otherwise go to waste. The planning process and investment in expanding this local resource continues; as an example, the recycled water master plan completed this year identifies over \$25 million in potential expansions of the recycled water system.

In the interests of potable water conservation, beneficial reuse and compliance with the terms of our NPDES permit, we have a compelling interest in continuing to promote and expand the use of recycled water on behalf of the ratepayers who have funded the system. The Authority was engaged in and supported the stakeholder process and believes that certain changes would improve the policy. However, we do have some concerns that the policy could have the opposite result, that is one of deterring or reducing the use and expansion of this valuable resource if changes are not made.



Our concerns are:

The Definition of a "Project":

Please consider modifying the definition of a "recycled water irrigation project" to "projects that meet water supply as well as disposal needs." While communities may begin water recycling programs with disposal as the primary driver, the increasing value and scarcity of potable water supplies often means that water supply benefits are only recognized after the project is operational. The Policy should enable recycled water irrigation projects, regardless of the initial driver.

Please also consider limiting the definition of a "recycled water project" to "the design, construction and permitting of new recycled water *systems*," not the connection to these systems by individual customers. Our concern is practical: neither the State nor local governments have the resources to administer each connection to a recycled water system as a permittee, *even under a General Permit strategy*. The Authority has over 600 recycled water customers ranging from small irrigated green belts to large golf courses. Shall each of these customers, and any new customers wishing to connect to an existing, already-permitted recycled water system have to first submit an operations and management plan specifying agronomic rate(s), potentially a groundwater monitoring plan, a salt management plan, and a nutrient management plan for their property as well as monitor effluent for CECs annually and priority pollutants twice a year? Without modifying the definition of a "project" as we suggest, there is the possibility that the requirements at the customer level will be extremely burdensome, if not insurmountable.

Please consider alternative language or approaches, such as:

- a. Substituting the word, "systems" for "projects" wherever appropriate to clarify the policy's intent.
- b. Include specific language in the policy to clarify the definition of a project to a system, not individual irrigation customers.

Salt and Nutrient Management Plans:

One of our major concerns¹ with the earlier draft of the Policy was the requirement that individual water recycling projects be tasked with the completion of salt management plans. We are pleased that the November 2008 version recognizes that salt and nutrient issues within groundwater basins cannot be resolved by focusing on recycled water use, and that the proper approach to addressing these issues is through locally controlled and driven plans, developed by a broad group of stakeholders, including the Regional Water Boards.

However, the Policy does not limit salt and nutrient planning requirements to those basins where beneficial uses are impaired or threatened, or where high quality waters are in need of protection or where total maximum daily loads (TMDL) and basin plan objectives have already addressed these issues. As an example, the total dissolved solids (TDS) basin plan objective for the Malibu Creek watershed is 2,000 mg/L and our recycled water TDS concentration ranges between 800 and 890 mg/L; there should be no need for a salt management plan in this case, particularly since all potable is imported water. In addition, the EPA has established a nutrient

¹ Please refer to our comment letters of October 2007 and March 2008

TMDL for the watershed addressing that issue, again negating the need to develop a nutrient management plan. Since the development and implementation of the plans is critical in some areas, but not everywhere, it is important for the Policy to clearly prioritize where plans should be developed, so that limited public resources can be devoted only to areas where such actions may be necessary. We also do not believe that groundwater monitoring for salts and/or nutrients is necessary, or even feasible, in every basin and sub-basin in this large and diverse state. If they are necessary at all, they should be determined on a case-by-case basis.

The current language could be interpreted in a manner that places the burden of developing basin plan objectives for salts and nutrients on recycled water projects rather than through the established basin plan revision process. Please revise the policy to clearly provide guidance when these plans are and are NOT required.

Specification of Monitoring Frequencies:

Another concern raised during discussions over the previous draft of the Policy was that many of the proposed provisions were far too specific and "permit like" for Board policy. For the most part, the current draft avoids this issue and strikes the appropriate tone of broad goals and guidance. One exception is in the area of monitoring requirements. In several places, the draft Policy would mandate a particular minimum monitoring frequency, without regard to the circumstances of the project or the recommendations of the expert scientific panel to be established. We do not believe this is appropriate and recommend that the monitoring frequencies be deleted from the sections dealing with landscape irrigation (Section 7(b) (4)) and groundwater recharge (Section 8(b) (2).) With regard to chemicals of emerging concern (CECs), both sections should state that monitoring for these constituents may be required in accordance with the expert panel's recommendations.

Incidental Runoff:

Incidental runoff, by definition, consists of small amounts of unintentional runoff from irrigation projects. This is no different from the runoff that occurs in almost any irrigation project, regardless of the source of water used. The Policy should state that incidental runoff does not pose a threat to water quality. In addition, the new language regarding incidental runoff is overly detailed and prescriptive for a Policy, and that conditions regarding practices that are appropriate for a particular site should be left to the permitting process. It is an unreasonable expectation that our agency with over 600 recycled water customers spread over 125 square miles can detect leaks such as a broken sprinkler head and correct that condition within 72 hours.

To address this concern, we propose that the language be revised to delete the specific requirements set forth in Section 7(a)(1) through (4) and be replaced with a simple statement that water recyclers shall develop and implement an operations and management plan that provides for compliance with the site control requirements of Title 22. This revised language should also recognize that many agencies have the functional equivalent of operations and management plans and not require the development of an operations and management plan. In our case, we have Water Reclamation Requirements (WRR), a Potable Water System Permit and an Engineer's Report that specifically details the requirements for the proper design and

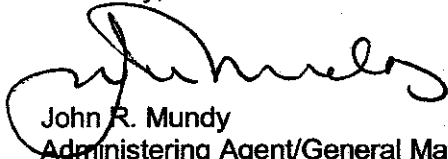
construction of irrigation projects to avoid incidental runoff as well as for the protection of the potable water system.

Lastly, Section 6.b.1 has been revised to say that local water and wastewater entities have agreed to fund salt and nutrient management plans. This presumes funding availability as well as local governmental approval, which is not the case. Restoring the original stakeholder language of "local water and wastewater entities *may* fund ..." eliminates this presumption.

The Authority agrees with the intended goals of the draft policies of promoting the expanded use of recycled water in the State, of creating local non-potable supplies while reducing the amount of imported water and any related impacts on the climate, as well as providing consistency in setting regulations. The Authority is a leader in the use of recycled water and has developed an extensive recycled water system that makes use of a valuable resource for not only our ratepayers, but benefitting all people of the State of California. We urge you to consider making the changes we suggest so the policy meets its intended goals and does not generate the opposite result of deterring, if not eliminating the use of recycled water.

If you or your staff has any questions, please do not hesitate to call David Lippman on my staff at 818-251-2221.

Sincerely,



John R. Mundy
Administering Agent/General Manager

JRM:acg